IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 12.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.18143 of 1998

K.Jayachandran .. Petitioner

Vs.

1.The Deputy Inspector General,
Southern Zone,
Central Industrial Security Force,
'D' Block, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.

2.The Commandant,
Central Industrial Security Force,
Madras Port Trust,
Chennai-600 001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records of the second respondent in proceedings No.E-41017/CISF/Ch.PT/Accts.II/98-1`4419 dated 29th October, 1998 and quash the same.

For Petitioner : Mr.Karthik Rajan for
Mr.R.Parthiban.
For Respondents : Mr.S.Udayakumar, SCGSC.

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Aggrieved by the recovery proceedings dated 29.10.1998 of the second respondent, the petitioner has filed the above writ petition to quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the respondents.

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3. At the outset, the learned counsel appearing for the petitioner has furnished the details of amount and according to him, the same were written off by the Director General, Central Industrial Security Force. The details mentioned by him are as follows:

"The details of amount to be written off is as under:

1.Outstanding amount	=	Rs.52,320/-
2.Amount paid by him	=	Rs. 9,000/-
3.Balance	=	Rs. 43,320/-
4.Amount due to him now	=	Rs. 22,266/-
5.Net due from him	=	Rs. 21,054/-

The amount mentioned at sl.No.5 has been approved to be written off by DG/CISF. The petitioner also intimated about this proposal vide letter dated 07.07.2004 of CISF Unit, PPT Paradip."

4. The learned counsel for the petitioner, by pointing out the above details and the approval order by DG/CISF, has submitted that no further adjudication is required in this writ petition except recording the same.

5. On the other hand, the learned counsel appearing for the respondents, by drawing our attention to our earlier order passed in W.P.No.5300 of 1998 dated 07.12.2006, which was filed by the very same petitioner and the directions issued therein, has submitted that the petitioner herein is entitled to lumpsum/sizeable amount as per the scheme applicable to him. He further contended that in view of the said direction and of the fact that the petitioner is going to get the amount as per the scheme, the respondents are entitled to recover the amount as claimed in the impugned proceedings.

6. In view of our order dated 07.12.2006 in W.P.No.5300 of 1998, it is not in dispute that the petitioner would be paid sizeable amount as per the provisions of the Scheme. In view of the same, the respondents are free to either adjust or recover the amount as claimed in the impugned proceedings. At the same time, in view of the order passed by the DG/CISF, writing off the amount mentioned above, the respondents/ concerned authority is free to pass appropriate order either accepting the earlier decision taken by the Director General, CISF, or directing the petitioner either to repay the amount as demanded or adjust the amount payable by the respondents. In other words, the authority concerned is free to pass appropriate orders, if the same is permissible at this juncture.

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7. With the above observation, the writ petition is closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To
1.The Deputy Inspector General,
Southern Zone,
Central Industrial Security Force,
'D' Block, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.

2.The Commandant,
Central Industrial Security Force,
Madras Port Trust,
Chennai-600 001.

+ 1 CC To Mr. S.Udayakumar, SCGSC, SR NO. 61749

+ 1 CC To Mr. R.Parthiban, Advocate SR NO.61736

W.P.No.18143 of 1998

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